

Interview Summary

Application No.
09/305,390

Applicant(s)

Yamamoto

Examiner

Richard Hutson

Group Art Unit

1652



All participants (applicant, applicant's representative, PTO personnel):

(1) Richard Hutson

(3) _____

(2) John Li

(4) _____

Date of Interview May 22, 2001

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy is given to 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No. If yes, brief description:

Claim(s) discussed: all of record

Identification of prior art discussed:

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Informed applicants representative (Voice mail) that his after-final amendment would be entered and that this would necessitate the withdrawal of 112 rejections but that 103 rejection would still stand in light of applicants argument. (See additional sheet)

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☐ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Art Unit: 1652

DETAILED ACTION

Applicants cancellation of claims 24-27 and amendment of claims 7 and 10 is acknowledged.

Applicants' arguments filed on 8/15/2000, paper No. 15, have been fully considered and are deemed to be persuasive to overcome some of the rejections previously applied. Rejections and/or objections not reiterated from previous office actions are hereby withdrawn.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 7-10, 14, 23 and 24 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuyama et al. (U.S. Patent No.: 5,559,030) in view of Peoples et al. (U.S. Patent No.: 5,229,279) or Summerville et al. (WO 93/02187).

The rejection is stated in the previous office actions, Paper Nos: 12 and 18.

The applicant continues to traverse this rejection on the basis that there is no motivation whatsoever to combine an acetoacetyl CoA reductase (as described by Peoples or Summerville) with a method of asymmetrically reducing a 4-halo-acetoacetic acid ester (as described in Matsuyama). Applicant continues to assert that there are significant structural differences

Art Unit: 1652


between the substrate of Matsuyama et al. and that of Peoples et al., although applicant has not specifically pointed these differences out and how this would render the claimed invention unobvious. Applicant also continues to assert that since the enzyme has been known since at least 1977, and the benefits of producing the products of the claimed method have been known since the 1980's, such a method of using such a known enzyme could not have been obvious or someone would have done it. As stated in the previous interview (Paper No: 21) while this may support applicants position, this in and of itself is insufficient to persuade examiner to withdrawl the rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Hutson whose telephone number is (703) 308-0066. The examiner can normally be reached on M-F from 7:30 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapy Achutamurthy (Murthy), can be reached on (703) 308-3804. The fax number for Official Papers to Technology Center 1600 is (703) 305-3014.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

Richard Hutson Ph.D.
5/21/2001


REBECCA E. PROUTY
PRIMARY EXAMINER
GROUP 1800
1600